

ANDOVER CONSERVATION COMMISSION MEETING MINUTES
MARCH 5, 2013

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Frank Fink, and Commissioner Kevin Porter. Commissioners absent were Commissioner Alix Driscoll, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

2-4 Bancroft Road

Present in Interest: Joe Wadland, Chris Cronin and Buzz Stapczynski

Staff Recommendation: Withdraw request to lift the Enforcement Order without prejudice.

Vice Chairman Walsh recused himself.

Mr. Douglas presented this to the Commission. Discussion regarding request to withdraw the request to lift the Enforcement Order without prejudice. An Enforcement Order was issued two years ago.

Andover DPW asked the Enforcement Order be lifted because an RAO had been issued by DEP, however DPW has asked that it be withdrawn without prejudice.

Chairman Cooper asked for a Motion. Commissioner Fink made a Motion to allow the withdrawal of the request to withdraw the Enforcement Order without prejudice; it was seconded by Commissioner Porter and unanimously approved.

Doherty Middle School

Present in Interest: Charles Leinbach, Kristina Trott, Gerry Pouliot, Rick Gagnon, Charles Lindbarker, Janet Bernardo, Andrew Chagnan, Tom Perry, Ed Ataide and Buzz Stapczynski

Staff Recommendation: Listen to presentation and provide suggestions and Continue.

Public Hearing on a Notice of Intent filed by the Town of Andover, under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed site improvements including site lighting, parking, sidewalks, curbing, sewer utilities for the future youth center and stormwater management improvements.

Mr. Douglas presented this to the Commission. This is a joint filing with the Youth Center and Doherty School Improvements. The project consists of providing ADA accessibility, improved drainage, improved

parking, and a separate drop off area for buses and parents and landscaping as well as the building of the Youth Center. A portion of the Youth Center footprint and emergency access road will be within the jurisdictional area. Construction is set to begin in early summer 2013. The Commission requested at the presubmittal conference that the following items be addressed:

1. Peer Review be done;
2. Setback requirements be met;
3. Storm drainage must be provided; and
4. Commission will address jurisdictional areas only.

Janet Bernardo of ESS Group has completed her preliminary review and is in discussion with the Applicant. The building has shifted and now meets the setback requirements. Storm drainage is under review.

Andrew Chagnon presented the project to the Commission using plans showing the improvements and Youth Center. The project will be completed in 2 phases. The first phase will include access and drainage improvements. The second phase will be the construction of the Youth Center. The total area disturbed for this project will be 5.5 acres. The corner of the proposed Youth Center is within the 100 foot buffer zone. A total of .39 acres fall within the 100 foot buffer zone and .19 acres fall into the 50 foot no-build zone. There is also proposed grading and pervious pavement within the 50 foot no-build zone. A rain garden is also proposed within the 50 foot no-build in a previously disturbed area. There will be a horse shoe added to the front on Bartlett Street for ADA approved drop off with handicapped parking as well as a separate drop-off for the buses and parents. There is an increase of impervious area of 4% over the whole site.

The existing drainage will remain in place and new drainage pipes will be added in the back of the property carrying the water to Rogers Brook. There will be 2 rain gardens to hold stormwater on a temporary basis that will then infiltrate into the drainage system. There is a decrease in peak discharge and volume from the site. There have been some revisions suggested by Janet Bernardo as a result of her peer review.

Janet Bernardo, ESS Group provided the Commission with her peer review report. She did not agree with the Watershed Delineation, as a result a new plan will be submitted. The design will not change, but the watershed lines will be revised to match the stormwater standards. Haybales have been moved to the 25 foot no-disturb line and snow removal has been revised. The Applicant incorporated the recommendations by ESS Group when they redid the calculations and the results are still showing a decrease in peak discharge and volume. There are 3 points of discharge on the site. Janet asked the Applicant to verify the catch basins in the municipal system in this area can handle the runoff. The project is not making the runoff worse but is in fact decreasing it slightly. The Town is not concerned with the runoff going into the municipal system.

Commissioner Fink asked if the pipes have been inspected in this area. Mr. Chagnon informed the Commission that the pipes within the property have been inspected.

Kristina Trott, an abutter was concerned about paving the horseshoe turnaround that serves as a buffer to the neighbors. The ADA mandates that handicapped parking be available within 200 feet of the building or a drop-off within 100 feet. There is no real front entrance to the school, this would create that entrance and provide another drop-off area. The design has taken into consideration the 2 or 3 large living trees and they will not be taken down.

Jerry Pouliot, an abutter asked for clarification on how the drainage will be improved. The new plan shows 16 drainage locations going through one pipe into Rogers Brook. The roof runoff will be infiltrated, but a large amount of water will be sent to Rogers Brook. This area floods generally and more water will cause more flooding. There is more impervious surface, but less of a peak flow and less volume of water running off the property. There is more infiltration into the ground than existing now which flows into Rogers Brook. Janet explained there are 3 design points for the project to carry the water off the property. The roof runoff will be infiltrated and the 2 rain gardens will help infiltrate and the pervious paving used will also help decrease the runoff. All 3 areas will be decreasing water discharge from the project.

Charles Lindbarker, an abutter, has a pipe that runs through his backyard to Rogers Brook. The flooding has gotten worse over time. Have they taken into account the water from the fields? Janet Bernardo did review the runoff from the field area and it is not impacting the runoff. He also asked if the rain garden within the 50 foot no-build zone will be created by regrading that area. This will be discussed by the Commission.

Chairman Cooper inquired if the Town has responded regarding the handling of the extra water in the catch basins and Rogers Brook. Staff will speak with DPW.

Rick Gagnon, an abutter, stated that over the last 10 years there has been an increase in water because the existing drainage cannot handle the extra volume. Any significant rain event causes ponding in his neighborhood.

Commissioner Porter asked what would happen if the pipe could not handle the influx of water flow. This design will allow the water to flow at a slower rate into the drainage system so help prevent a huge influx of water through the pipe.

Vice Chairman Walsh asked if staff has confirmed the wetland boundary. Staff did review the wetland boundary line.

Commissioner Fink viewed the property and found a ponded area behind a house on Whittier Court and saw red maples as well. This is beyond the work area unless they need to do work on the pipes. Commissioner Fink reviewed some of her concerns and questions. Due to the volume of questions, she will submit her concerns and questions in writing to staff. She was concerned if the decrease in runoff would dry out the wetland. Janet did review this issue, but since the decrease is so minimal, it will not dry out the wetland.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to April 2, 2013, it was seconded by Commissioner Porter and unanimously approved.

307R & 311 Lowell Street-Rolling Green

Present in Interest: Janet Bernardo, Daniel Koravos, Patrick J. Riley, Ray Cormier, Yvon Cormier, and Robert Golledge

Staff Recommendation: Close the Public Hearing.

Public Hearing on a Notice of Intent filed by AA@RD, LLC, under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a 24 foot wide roadway, resurfacing of existing impervious area, removal of 1,038 square feet of impervious area, sidewalks, traffic islands, landscaping and associated utilities.

Mr. Douglas presented this to the Commission. This is a new filing for the entryway to the previously approved Rolling Green project. The project is within the buffer zone and had undergone an extensive peer review by Janet Bernardo. DK Engineering has replied to Janet's questions and recommendations and she has issued her final letter. In her letter, she states that the project appears to be in compliance with the wetland interests of the Act, stormwater and By-Law. No alteration to the BVW or resource area is proposed. The work will take place within an existing paved area.

Richard Bennett hand delivered a letter to the Commission on behalf of Lowell Street Investments, LLC in support of the project.

This is a limited project under the By-Law to access an upland site while working within a buffer zone.

Robert Golledge presented the project to the Commission. The right of way is consistent with the filing approved by the ZBA. There will be a net reduction of impervious surfaces, and it meets the stormwater regulations. This is the only viable option available for access to the site that does not call for altering of wetlands. Erosion controls will be set up prior to work. There is an existing intermittent stream along the easement.

Janet Bernardo presented her findings from the peer review. The Applicant provided a plan which shows the project as minor in nature. This is a roadway. They could not eliminate the vertical curbing, or add porous pavement or reduce impervious pavement, but that area is used as a parking lot by the Boston Sports Club. The Applicant has done as much as they can for such a project. She confirmed the project is set to move forward.

Commissioner Fink stated this is tributary to the drinking water supply and all the runoff from the parking lot goes into the wetland and into the drinking supply without treatment. There is no stormwater management on site at this time. This project affects the parking area for the Boston Sports Club and Commissioner Fink believes they should be involved in this process. Commissioner Fink questioned why the access plan provided to ZBA showing catch basins and drainage piping was not before the Commission for approval? Because of the final grades and infiltration in Zone 1 and the proposed work was outside the right of way, it is not possible to do the work proposed on that plan.

During construction, how will cars get to the Boston Sports Club if erosion controls in place. The drainage calculations are based on the pavement on the roadway, not the entire site. All the runoff from the Boston Sports Club will come towards the roadway. The watershed area within the Boston Sports Club will be changed, but because the Applicant does not have control over that area that is beyond their control. The Applicant cannot force the Boston Sports Club to work with the Applicant on this project.

Mr. Golledge stated that this project is for work only within the buffer zone. The Applicant has an easement over their property for the entryway for construction of the roadway. The Applicant cannot take on an existing burden that is out of their control.

Mr. Koravos stated the Applicant cannot clean up runoff that is out of their control.

Mr. Golledge again stated that if the Commission would like to speak with the Boston Sports Club, they could reach out to them; however what Commissioner Fink is proposing is out of the Applicant's control because they are only doing work within an easement.

Janet stated that this little piece of the project will not significantly improve the BVW.

Mr. Douglas agreed that this is a small segment of an area previously paved. There is not a lot of improvement that we can get out of this one project.

Ray Cormier addressed the Commission. He stated that they are funding the possibility of a stormwater management area to improve the water going into the drinking water supply. Mr. Douglas supported Mr. Cormier's statement. This is part of the ZBA approval decision.

Commission received a letter regarding ownership of the easement which was forwarded to Town Counsel for review.

Vice Chairman Walsh asked if either plan before the Commission was approved by ZBA. The Plan before the Commission contains the concept approved by the ZBA.

Janet did review the alternative analysis provided. It is within the jurisdiction to accept what they have provided, but the Commission may also ask for more.

Commissioner Fink reiterated her request for a better project that does more for stormwater management. Staff agreed to check with DPW regarding the vertical curbing.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing; it was seconded by Commissioner Porter with Commissioner Fink opposed. Approved by majority vote. Order of Conditions will be issued on March 19, 2013.

600-800 Federal Street

Present in Interest: Susan Mohn, and Matt Volpe.

Staff Recommendation: Approve.

Public Hearing on a Request for an Amended Order of Conditions filed by Leggat McCall Properties, LLC under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law. The proposed changes include adding a 2,910 square foot building, pads for a load bank, two transformers, generator, an “Ecobreeze” mechanical unit, three electric car charging stands, two new walks and two dumpster pads. Also, minor grading of the parking area adjacent to the new lab, relocation of a catch basin, two new drain manholes and associated pipe, as well as minor modifications to three landscape parking islands.

Mr. Douglas presented this to the Commission. All work is outside the 50 foot no-build zone with the exception of one dumpster pad which will be installed in what is now a paved parking area. The walkway has been repositioned and the loading dock discharge will now be cleaner roof runoff. The Applicant has complied with the requests from the Commission in the Amendment filed.

Susan Mohn presented the project to the Commission. The load bank has been relocated from the 50 foot no-build zone to the rooftop of the new lab. The transformer has been moved outside the 50 foot no-build. One dumpster pad will remain within the 50 foot no-build zone on an existing paved area. The walkway on the north side of the building has been moved as far as possible outside the 50 foot no-build zone.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing and issue Amended Order of Conditions; it was seconded by Commissioner Porter and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of revised minutes for meeting of February 19, 2013.

6 Chongris Circle

Issuance of a Certificate of Compliance.

6 Miles Circle

Issuance of a Satisfactory Completion of Work Certificate.

Vice Chairman Walsh made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Porter and unanimously approved.

DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Eagle Scout Project

Jonathan Abbott presented his Eagle Scout Project to the Commission. He provided sketches and a narrative for his project which consists of building a raised boardwalk and a set of stairs at the beginning

of a new trail the "Pray Trail", which starts on Haggetts Pond Trail and leads to the Pray conservation area. The raised boardwalk will be 24 feet long, 3 feet wide with 2 railings. It will be 4 feet high at the highest point. Tire rims will be sent into the ground to secure the braces for the boardwalk. The stairs will be laid into a hill to allow easier access on the trail and to help stop the erosion of the hill.

Jonathan asked the Commission to provide a maximum of \$150 towards his project in matching funds. The Commission agreed if the funds are available.

Vice Chairman Walsh made a Motion to Approve the project; it was seconded by Commissioner Porter and unanimously approved.

Eagle Scout Project

John Ozirski presented his Eagle Scout Project to the Commission. John provided the Commission with drawings and a narrative for his project which consists of replacing an existing, unusable boardwalk on conservation land at the end of Rachel Road. This boardwalk will connect to AVIS property and the Mary French Reservation. He will construct 2 boardwalks, 45 feet and 55 feet long and 2 feet high. He will also be using tire rims to secure the braces into the ground. Materials will be cut off site as much as possible and any cutting done on site will be cleaned and taken away.

John asked the Commission to provide a maximum of \$150 in matching funds for his project. The Commission agreed if the funds are available.

Vice Chairman Walsh made a Motion to Approve the project; it was seconded by Commissioner Fink and unanimously approved.

Eagle Scout Project

Daniel O'Leary presented his Eagle Scout Project to the Commission. He provided a sample orienteering map and a narrative of his project which consists of constructing 3 orienteering courses of varying difficulty. The easiest trail will be 1km long and stay on trail, the mid level trail will be 1.5km long with controls visible from the trail and the most difficult will be 2.5km using different features to navigate off trail through the woods. Maps and compasses are used together with the controls to navigate the course through the woods. There will be 25 controls throughout Bald Hill for use on all the courses. The maps and information will be published in the trail book, websites and there will be a link on the conservation page of the town website. No new trails will be cut for this project.

Vice Chairman Walsh made a Motion to Approve the project, it was seconded by Commissioner Porter and unanimously approved.

221 Highland Road

The Applicant submitted a request to use her own consultant for site monitoring. A response was sent to the Applicant stating that our standard operating procedure was for the Commission to appoint a site monitor and that has been done.

The next meeting will be held on March 19, 2013 at 7:45pm.

The meeting was adjourned at 9:45 p.m. by Motion of Vice Chairman Walsh, seconded by Commissioner Porter and unanimously approved.

Respectfully submitted by:

Lynn Viselli,

Recording Secretary